

**SOUTH DAKOTA STATEWIDE INTERAGENCY AGREEMENT
FOR SERVICES TO CHILDREN WITH DISABILITIES IN HEAD START PROGRAMS**

October, 2006

**Federal Region VIII, Administration for Children and Families;
South Dakota Department of Education, Special Education Programs;
South Dakota Head Start Association; Region VIII Head Start Programs including: Badlands Head Start, Interlakes Community Action Head Start, NESD Head Start, Oahe Child Development Center Head Start, Sioux Falls Head Start, South Central Child Development, Inc., USD Head Start, Youth and Family Services Head Start.
South Dakota Region XI Head Start Programs including: Cheyenne River Head Start, Crow Creek Head Start, Lower Brule Head Start, Oglala Lakota College Head Start, Rosebud Sioux Tribe Head Start, Rural America Initiatives, Transitional Head Start, Sisseton-Wahpeton Head Start, Standing Rock Head Start, Yankton Head Start.**

This agreement is written to encourage the parties above to address their mutual commitment of serving children with disabilities, ages three through five, through formal, collaborative and cooperative arrangements. Article 24:05 and 24:14 of the Administrative Rules of South Dakota, Part B of the Individuals with Disabilities Education Act (IDEA), the Human Services Reauthorization Act of 1998 (PL 105-285), Head Start Program Performance Standards on Services for Children with Disabilities (45-CFR 1304 and 1308) and their respective regulations provide the legal basis for assuring that children with disabilities receive services to meet their special needs.

Purpose

The purpose of the agreement is to describe the responsibilities of each agency, and to provide guidance for collaboration and cooperation between local education agencies and Head Start in order to:

1. Assure that children in need of special education or special education and related services receive appropriate services for which they are eligible; and
2. Assure quality programs and maximize services through the joint utilization of resources.

Fiscal and Administrative Considerations:

For purposes of maximizing the impact of available funds, resources, and cost effectiveness, Head Start programs and local education agencies are encouraged to consider cooperative arrangements in serving children with disabilities ages 3 through 5. The local agreement should access all available external resources to support their special education services or special education and related services.

Responsibilities:

South Dakota local education agencies are required to:

1. Locate, screen, evaluate, and identify all children birth through 21, residing within their boundaries, who may have a disability.
2. Provide a free and appropriate public education (FAPE) through the provision of special education services to all eligible children, as determined by the multidisciplinary team and as described on their Individualized Education Program (IEP).
3. Ensure that whenever appropriate the IEP will include parent counseling as a related service, to ensure that the special education program is effective.
4. Ensure that the IEP is accessible to each Head Start regular education teacher who has the responsibility for implementing IEP goals.
5. Ensure that procedural safeguards and confidentiality of information are provided to eligible children and their parents, which may include services provided at Head Start.
6. Facilitate the transition of eligible children between the Birth-3 programs to local educational agency preschool programs and/or Head Start programs.

Head Start grantees are required to:

1. Recruit, enroll and serve eligible children. At least ten percent of the funded enrollment opportunities must be made available to children with identified disabilities through a priority system.
2. Ensure completion of screening/assessment (developmental, medical, dental, and nutritional) not performed by the local education agency, as a part of the process for determining if a disability may be present.
3. Refer children suspected of having a disability to the child's local education agency, for screening and evaluation.
4. Collaborate with the local education agency in the multidisciplinary evaluation, IEP development, the implementation of the portions of the IEP identified for Head Start Programming for Head Start eligible children, the IEP annual review and the transition from one program to the next.
5. Ensure that procedural safeguards, including confidentiality of records are provided for all children with disabilities and their parents.
6. Offer a support system for families of children with disabilities through training, information, social support, follow-up and assistance in transition from one program to the next.

Areas for Collaboration and Cooperation:

Local Education Agencies (LEAs) and Head Start programs are encouraged to develop agreements within a framework that will define relationships and specify areas of collaboration and/or cooperation appropriate to their local situations. Local education agencies and Head Start programs should maximize available resources and avoid the duplication of services. The following examples are provided as components for an interagency agreement.

1. Communication: Establishing and maintaining regular and ongoing communications is encouraged between the local education agencies and Head Start programs.
2. Eligibility: Eligibility determination must be made by a multidisciplinary team. The team shall include parents, at least one special education teacher of the child, a representative of the public agency who is qualified to provide or supervise the provision of specially designed instruction, and an individual who can interpret evaluation results (this individual may be one of the persons listed above) and, at the discretion of the parent or agency, other individuals who have knowledge or special expertise regarding the child. If placement in Head Start is considered, representatives from Head Start shall be invited.
3. Referral Process: Local Education Agencies and Head Start programs should establish procedures for interagency referrals. Head Start must refer any child suspected of having a disability to the local education agency for evaluation as soon as the need is evident. The need is evident when concerns about a child's development are identified by parents or by Head Start staff during screening or ongoing assessment. Head Start staff must refer the child after obtaining parent permission.
4. Screening: Local Education Agencies and Head Start programs should develop a coordinated and comprehensive screening program utilizing the resources of each agency and local interagency network.
5. Joint Staffing: An IEP for children with disabilities, which includes services in Head Start programs, must be developed following all state and federal regulations, and should include Head Start staff and/or providers, as appropriate. LEAs are required to complete the evaluation process within 25 school days from the date parent consent for evaluation is received, unless other timelines are agreed upon by the LEA and parent. The development of an IEP for the child must be conducted within 30 days of a determination that the child needs special education and related services. IEPs for most children with disabilities should be implemented without undue delay following the IEP meeting, with very limited exceptions.
6. Program options: Local Education Agencies and Head Start Programs are encouraged to explore various options in the placement of children with disabilities. Local service arrangements may include: placement in Head Start with itinerant staff from local education agencies; dual placement in both a Local Education Agency and Head Start; contracts for service; and other cooperative arrangements.
7. Providing Services to Children with Disabilities: Local Education Agencies and Head Start should provide services in a collaborative delivery model whenever possible.

8. Transitions: Local Education Agencies and Head Start programs should cooperatively develop programs. Transition meetings should begin prior to the child entering Kindergarten. All information shared in this process shall conform to the confidentiality and due process requirements.
9. In-service Training: Local Education Agencies and Head Start programs are encouraged to include the other agency's personnel in training activities whenever possible and appropriate.
10. Shared Resources: Head Start programs and local agencies should consider the development of a system of shared resources and training and technical assistance services which may include shared personnel, cooperative resource libraries, facilities, equipment, transportation, contracted services, and exchange of in-kind services appropriate to local situations. The LEA is the agency responsible to ensure that a FAPE is made available to each eligible child.
11. Information Systems: Efforts should be made to develop compatible systems for collecting and reporting information on children served and services provided.

Dispute Resolution:

Disputes arising from the implementation of this agreement, or differences that cannot be resolved by parties to this agreement, or to agreements developed at the local/agency level, will be referred as described below.

While the dispute resolution procedures described herein are pending, South Dakota DOE will ensure that services required to provide free appropriate public education (FAPE) will continue until the dispute resolution process is completed. The implementation of services not previously provided and in dispute will be pursuant to a decision through the described resolution process.

1. All attempts will be made to resolve disputes at the lowest possible level.
2. When disputes cannot be resolved by designated department representatives, a written explanation of the dispute will be sent to the Director of Special Education, Special Education Programs and the South Dakota State Lead Region VIII and Region XI ACF Head Start. These individuals, in consultation with each other, shall review the issues and make a determination as to how the dispute should be resolved.

The decision will be shared in writing with each level involved within twenty (20) calendar days of receipt of request for the determination and will include reasons for the decision.


3. If the above-named directors are unable to reach resolution, they will refer the issue to the Secretary of the Department of Education and the appropriate Region VIII and/or Region XI ACF Regional Administrator. These individuals, in consultation with each other, shall review the issues and make a determination as to how the dispute shall be resolved. The final determination shall be made within 30 calendar days.

Implementation:

1. Every three years, if appropriate or whenever laws and codes affecting the implementation or language in this agreement are changed, representatives of the agencies involved will review this agreement and make joint recommendations for any modifications needed.
2. South Dakota Department of Education, Special Education Programs, and the Region VIII and XI Administration for Children and Families in Head Start will disseminate this agreement to their respective local agencies and grantees.
3. South Dakota Department of Education, Special Education Programs, the Region VIII and Region XI Administration for Children and Families, and the Region VIII and Region XI Technical Assistance Network will jointly provide technical assistance and training in the development and implementation of local agreements.

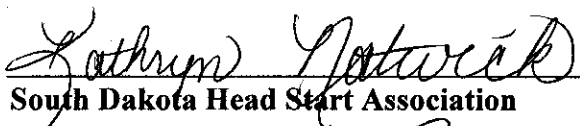
Signatures to this Agreement

The agencies which are parties to this agreement will only be considered agencies within the agreement when their respective signature page is received by the Region VIII Office of Head Start.




Ross Weaver, Regional Program Manager
Office of Head Start, Region VIII
2/9/07

Date



South Dakota Head Start Association
11-9-06

Date



South Dakota Department of Education
12/1/06

Date

Michelle Gankton

12/20/2006

Oglala Lakota College Head Start

Date

Cheryl Pines
Rosebud Sioux Tribe Head Start

11-28-06
Date

Imreedy

2-26-07

Rural America Initiatives , Transitional Head Start

Date